

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11730 NG

\_\_\_\_\_  
GEORTO, INC.,

Plaintiff,

v.

WILLIAM GATEMAN, INDIVIDUALLY  
and as TRUSTEE OF 200 UNION  
STREET REALTY TRUST

Defendant,

Third Party Plaintiff, and  
Third Party Defendant-in-  
Counterclaim

ROBERTS CORPORATION

Third Party Defendant,  
and Third Party Plaintiff-in-  
Counterclaim  
\_\_\_\_\_

**EMERGENCY MOTION OF THE DEFENDANT, WILLIAM GATEMAN,  
TO EXTEND THE FEBRUARY 15, 2006 DATE BY WHICH  
THE DEFENDANT MUST DESIGNATE AND DISCLOSE HIS REBUTTAL  
EXPERT WITNESSES**

The Defendant, William Gateman, hereby Moves the court to grant him a two week extension until March 1, 2006 to designate and disclose his rebuttal expert witnesses.

As grounds therefore, counsel, James S. Robbins, Esq. and Alan G. Miller, Esq., state that they and Mr. Gateman have developed very serious irreconcilable differences and opinions as to the defense of the case in chief and the prosecution of the Third Party claims. Counsel and Mr. Gateman feel that given these differences, they cannot properly and adequately represent him in this matter. In fact, Mr. Gateman has discharged both counsel from representing him and is presently seeking new counsel. This Motion is intended to allow Mr.

Gateman additional and sufficient time to obtain new counsel and for such counsel to identify suitable rebuttal experts.

WHEREFORE, the Defendant Moves the court to grant him a two week extension until March 1, 2006 to designate and disclose his rebuttal expert witnesses.

Respectfully submitted,

/s/ James S. Robbins  
James S. Robbins, Esq.  
BBO#421880  
6 Beacon Street  
Suite 1100  
Boston, MA 02108  
617-227-7541  
617-227-3722 fax

/s/ Alan G. Miller  
Alan G. Miller, Esq.  
BBO#346240  
6 Beacon Street  
Suite 1100  
Boston, MA 02108  
617-227-4044

**RULE 7.1 CERTIFICATION**

I, James S. Robbins, Esquire, hereby certify that I have conferred with counsel for the Plaintiff, Georto, and counsel for the Third Party Defendant, Roberts, regarding the issues of this motion in a good faith attempt to resolve them, but were unable to resolve them.

/s/ James S. Robbins  
JAMES S. ROBBINS  
6 Beacon Street  
Boston, MA 02108  
Tel: (617) 227-7541  
BBO#421880

**CERTIFICATE OF SERVICE**

I, James S. Robbins, Esquire, hereby certify that on the 9th day of February, 2006, I served the above and foregoing **EMERGENCY MOTION OF THE DEFENDANT, WILLIAM GATEMAN, TO EXTEND THE FEBRUARY 15, 2006 DATE BY WHICH THE DEFENDANT MUST DESIGNATE AND DISCLOSE HIS REBUTTAL EXPERT WITNESSES** on the following counsel of record by filing through the ECF system which will electronically send said document to the registered participants as identified on the Notice of Electronic Filing (NEF):

**Dale Kerester  
Lynch, Brewer, Hoffman & Fink LLP  
101 Federal Street  
22<sup>nd</sup> Floor  
Boston, MA 02110**

**J. Mark Dickison, Esq.  
LAWSON & WEITZEN, LLP  
88 Black Falcon Avenue, Suite 345  
Boston, MA 02110**

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY:

/s/ James S. Robbins  
JAMES S. ROBBINS  
6 Beacon Street  
Boston, MA 02108  
Tel: (617) 227-7541  
BBO#421880

**CERTIFICATE OF SERVICE**

I, James S. Robbins, Esquire, hereby certify that on the 25th day of January , 2006, I served the above and foregoing **EMERGENCY MOTION OF THE DEFENDANT, WILLIAM GATEMAN, TO EXTEND THE February 15, 2006 DATE BY WHICH THE DEFENDANT MUST DESIGNATE AND DISCLOSE HIS REBUTTAL EXPERT WITNESSES** on the following individual by overnight FedEx, a true and exact copy of same, postage prepaid, to:

**William Gateman  
93 Atlantic Avenue  
Swampscott, MA 01901  
FEDEX TRACKING NO: 8533-3450-5946**

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY:

/s/ James S. Robbins  
JAMES S. ROBBINS  
6 Beacon Street  
Boston, MA 02108  
Tel: (617) 227-7541  
BBO#421880

